

(d) Nothing in this section authorizes a game warden or other peace officer commissioned by the department to conduct a search otherwise authorized by this section:

- (1) in a person's residence or temporary residence; or*
- (2) on a publicly maintained road or way that is:*
 - (A) improved, designed, or ordinarily used for vehicular traffic;*
 - (B) open to the public; and*
 - (C) distinguishable from a shoulder, berm, or other area not intended for vehicular traffic.*

SECTION 2. Section 62.029, Parks and Wildlife Code, is amended by adding Subsection (f) to read as follows:

(f) This section does not apply to a private, noncommercial, family-owned cold storage or processing facility.

SECTION 3. This Act takes effect September 1, 2003.

Passed by the House on April 30, 2003: Yeas 72, Nays 61, 2 present, not voting; passed by the Senate on May 27, 2003: Yeas 31, Nays 0.

Approved June 20, 2003.

Effective September 1, 2003.

CHAPTER 559

H.B. No. 1531

AN ACT

relating to the powers and duties of gas and electric corporations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 181.001(1), Utilities Code, is amended to read as follows:

(1) "Corporation" includes:

- (A) a partnership, *limited partnership, or master limited partnership;*
- (B) a ~~or other~~ combination of business entities composed exclusively of corporations or in which a corporation is a general partner; ~~and~~
- (C) ~~[(B)]~~ a limited liability company; and
- (D) a gas utility or electric utility regardless of form of organization, but not including a municipally owned utility.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Passed by the House on April 10, 2003: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 20, 2003: Yeas 31, Nays 0.

Approved June 20, 2003.

Effective June 20, 2003.

CHAPTER 560

H.B. No. 1534

AN ACT

relating to certain powers of groundwater conservation districts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 36.103(b), Water Code, is amended to read as follows:

(b) A district may:

- (1) acquire land to erect dams or to drain lakes, draws, and depressions;
- (2) construct dams;
- (3) drain lakes, depressions, draws, and creeks;
- (4) install pumps and other equipment necessary to recharge a groundwater reservoir or its subdivision; and
- (5) provide necessary facilities for *water conservation purposes* [~~the purchase, sale, transportation, and distribution of water~~].

SECTION 2. Section 36.104, Water Code, is amended to read as follows:

Sec. 36.104. PURCHASE, SALE, TRANSPORTATION, AND DISTRIBUTION OF WATER. A district may purchase, sell, transport, and distribute surface water or groundwater [~~for any purpose~~].

SECTION 3. Sections 36.105(a) and (b), Water Code, are amended to read as follows:

(a) A district may exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property if that property interest is:

- (1) *within the boundaries of the district; and*
- (2) *necessary for conservation purposes, including recharge and reuse* [~~to the exercise of the authority conferred by this chapter~~].

(b) The power of eminent domain authorized in this section may not be used for the condemnation of land for the purpose of:

- (1) *acquiring rights to groundwater, surface water or water rights; or*
- (2) *production, sale, or distribution of groundwater or surface water.*

SECTION 4. Section 36.106, Water Code, is amended to read as follows:

Sec. 36.106. SURVEYS. A district may make surveys of the groundwater reservoir or subdivision and surveys of the facilities [~~for development, production, transportation, distribution, and use of the water,~~] in order to determine the quantity of water available for production and use and to determine the improvements, development, and recharging needed by a reservoir or its subdivision.

SECTION 5. (a) This Act takes effect September 1, 2003.

(b) The change in law made by this Act to Sections 36.103(b), 36.104, 36.105, and 36.106, Water Code, does not affect a contract entered into before the effective date of this Act. Such a contract is governed by the law in effect when the contract was entered into, and the former law is continued in effect for that purpose.

(c) The change in law made by this Act to Section 36.105, Water Code, does not affect an eminent domain action initiated before the effective date of this Act. Such an action is governed by the law in effect when the action was initiated, and the former law is continued in effect for that purpose.

Passed by the House on May 2, 2003, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1534 on May 30, 2003, by a non-record vote; passed by the Senate, with amendments, on May 28, 2003: Yeas 31, Nays 0.

Approved June 20, 2003.

Effective September 1, 2003.

CHAPTER 561

H.B. No. 1536

AN ACT

relating to certain communication with and access to a child following termination of the parent-child relationship.